

On August 23, 2011, the United States filed *United States v. Walter Liew and Christina Liew*, No. CR-11-0573-RS.

DuPont's Position: The indictment alleges that defendant Walter Liew and his wife, Christina Liew, tampered with a witness in this action by, among other things, telling the witness not to reveal his knowledge of certain employees of defendant USAPTI because it would not be good for the witness or his family, and instructing the witness to lie about his knowledge of certain individuals relevant to the trade secret case, in violation of 18 U.S.C. § 1512. The indictment also alleges that Walter Liew and Christina Liew engaged in misleading conduct towards agents of the Federal Bureau of Investigation and made false statements during the execution of a search warrant by intentionally lying to the agents concerning the whereabouts of a safe deposit box that contained evidence relevant to the FBI's investigation, in violation of 18 U.S.C. §§ 1001 and 1512. (Docket # 41 at 2.)

USAPT's Position: Defendants believe that the August 23 Complaint speaks for itself, and no further explanation or commentary is appropriate or needed.

On September 7, 2011, this Court issued an Order relating the criminal proceeding with this action, pursuant to its determination that this action and the criminal proceeding are related within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)¹

On September 23, 2011, the parties filed a joint status report requesting that the stay initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)

The parties understand that the United States plans to file a superseding indictment in December relating to the misappropriation of DuPont's trade secrets. The parties to the criminal proceedings are in agreement that this civil action should be stayed for an additional 60 days.

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¹ On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in this action are Walter Liew and his company, USA Performance Technology Inc.

1 The undersigned counsel are also in agreement that the stay remain in place for an additional 60
2 days, at which time the parties can update the Court.

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4 Dated: November 23, 2011

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